

REMARKS

This is a response to the Office Action dated September 16, 2008. Claims 1-41 are pending. The specification stands rejected under 37 CFR § 1.75(d)(1) for failing to provide proper antecedent basis for “a computer readable storage medium.” Claims 18-24 stand rejected under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. Claims 1-8 and 10-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,897,622 (“Blinn”). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Blinn in view of U.S. Pat. No. 6,401,085 (“Gershman”). No new matter has been added. Claims 18-20 were amended for clarity.

Reconsideration of the application is respectfully requested in light of the following remarks.

I. OBJECTION TO THE SPECIFICATION

The specification stands rejected under 37 CFR § 1.75(d)(1) for failing to provide proper antecedent basis for “a computer readable storage medium.” The Office Action states “[c]laims 11-17 and 30-38 recite ‘a computer readable storage medium,’ however; there is no mention of a computer readable storage medium in the specification.” Office Action dated 9/16/2008, p. 2. Applicants respectfully disagree. The specification states, “[e]xamples of the "physical" aspects include information (e.g., data) on storage space.” Specification, ¶40. Applicants submit that “information...on storage space” provides support for, “a computer readable storage medium.” The specification further states, “the physical back-end operation of the storefront (e.g., servers, network devices, network lines, storage, etc.).” Specification, ¶14, ¶36. Applicants further submit that “storage” in the context of “physical back-end operation of the storefront” also provides support for “a computer readable storage medium.” Accordingly, Applicants respectfully request that the Examiner withdraw this objection of the specification.

II. REJECTIONS UNDER 35 U.S.C. § 101

Claims 18-24 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed towards non-statutory subject matter. The Office Action states “it is entirely possible for the corresponding disclosed ‘means’ to cover an embodiment of the software

alone.” Office Action dated 9/16/08, p. 2. Applicants have replaced all instances of “means” in claims 18-24 with “processing means.” Applicants submit that the specification provides multiple instances of support for “processing means,” such as “a processing backplane,” and “site business processing system.” Specification, ¶44. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of claims 18-24.

III. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-8 and 10-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Blinn. Blinn generally relates to a “system for online shopping and merchandising.” Blinn, Abstract. Blinn discloses “a merchant uses a merchant browser 123...to manage its online store.” Blinn, col. 6, ll. 40-44. However, Blinn fails to disclose any information describing building the user interface of the merchant browser 123. Blinn also fails to disclose any information describing the merchant browser 123 itself, and Blinn fails to disclose drawings, screenshots, or any representation of the merchant browser 123. Accordingly, Blinn can not disclose the visually distinguished elements of the user interface recited in the claims.

Thus, Blinn fails to disclose “adding an area to the user interface, the area visually distinguished from and concurrently displayed with the module, the area providing information associated with the commerce involving the web-based storefront,” as claimed in independent claims 1 and 25.

Blinn further fails to disclose “presenting an area to the user over the network, the area visually distinguished from and concurrently displayed with the module and the area providing information associated with the commerce of said at least one of goods or services,” as claimed in independent claim 11.

Blinn further fails to disclose “adding an area to the control mechanism, the area visually distinguished from and concurrently displayed with the module, and the area to provide information associated with the commerce involving the web-based storefront,” as claimed in independent claim 18.

Blinn further fails to disclose “instructions for encoding an area, visually distinguished from and concurrently displayed with the module, the area for providing an

information associated with the commerce involving the web-based storefront,” as claimed in independent claims 30 and 33.

Blinn further fails to disclose “instructions for constructing an area, visually distinguished from and concurrently displayed with the module, the area for providing an information associated with the commerce involving the web-based storefront,” as claimed in independent claim 36.

Blinn further fails to disclose “instructions for encoding an area of the user interface, visually distinguished from and concurrently displayed with the module, the area providing an information associated with the commerce involving the web-based storefront,” as claimed in independent claim 39.

The teachings of Blinn focus on the consumer side of online shopping and merchandising. Blinn mentions a merchant browser 123, but Blinn provides no description whatsoever regarding the merchant browser 123 or the operation of the merchant browser 123. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of independent claims 1, 11, 18, 25, 30, 33, 36, and 39, and all claims that depend thereon.

IV. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Blinn in view of Gershman. Blinn generally relates to a “system for online shopping and merchandising.” Blinn, Abstract. As previously discussed, Blinn fails to disclose “adding an area to the user interface, the area visually distinguished from and concurrently displayed with the module, the area providing information associated with the commerce involving the web-based storefront,” as claimed in independent claim 1, which dependent claim 9 depends on. Gershman generally relates to “web-based information retrieval and display.” Gershman, Abstract. Gershman discloses, “personalized electronic commerce.” Gershman, col. 45, l. 37. Gershman fails to disclose any information describing a user interface for managing a business operated through a web-based storefront. Thus, Gershman fails to disclose “adding an area to the user interface, the area visually distinguished from and concurrently displayed with the module, the area providing

information associated with the commerce involving the web-based storefront,” as claimed in independent claim 1, which claim 9 depends on.

Accordingly, Applicants respectfully submit that dependent claim 9 is patentable over Blinn in view of Gershman, because Blinn and Gershman, alone or in combination, fail to disclose all of the elements of dependent claim 9.

CONCLUSION

Each of the rejections in the Office Action dated September 16, 2008 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

December 16, 2008
Date

/Michael G. Dreznes/
Michael G. Dreznes
Registration No. 59,965

Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200